

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL KLEEBERG, LISA STEIN, and
AUDREY HAYS,

Plaintiffs,

v.

LESTER EBER; ALEXBAY, LLC f/k/a
LESTER EBER, LLC; CANANDAIGUA
NATIONAL CORPORATION d/b/a
CANANDAIGUA NATIONAL BANK &
TRUST; ELLIOT W. GUMAER, JR.;
EBER BROS. & CO., INC.; EBER BROS.
WINE AND LIQUOR CORPORATION;
EBER BROS. WINE & LIQUOR METRO,
INC.; EBER-CONNECTICUT, LLC; and
WENDY EBER,

Defendants.

Civil Action No. 16-CV-9517(LAK)

**PLAINTIFFS' NOTICE OF MOTION
FOR ENTRY OF DEFAULT OR, IN
THE ALTERNATIVE, TO COMPEL
AND IMPOSE SANCTIONS AGAINST
CANANDAIGUA NATIONAL BANK**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and the Declaration of Brian C. Brook and accompanying exhibits, Plaintiffs, Daniel Kleeberg, Lisa Stein, and Audrey Hays, by and through their attorneys, will move this Court for an order finding Defendant Canandaigua National Bank in default or, in the alternative, to compel and impose sanctions, for its failure to file and serve an Answer to the pleadings, which was due on July 20, 2017; its failure to serve initial disclosures required by Rule 26(a); and its unethical effort to coerce Plaintiffs to sign a general release without their counsel's knowledge.

Dated: August 2, 2017

/s Brian C. Brook

Brian C. Brook (BB 1980)

Kari L. Parks (KP 1273)

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